



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 11, 2011

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 11, 2011, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
David Baker	County Administrator
Todd F. Lawson	County Administrator Appointee
Susan M. Webb	Finance Director
Everett Moore	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 555 11
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting "Letter of Credit – The Woods at Oyster Rock" under "David Baker, County Administrator"; by deleting "Job Applicants' Qualifications", "Pending/Potential Litigation" and "Land Acquisition" under Executive Session; and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of September 27 and October 4, 2011 were approved by consent.

Mr. Phillips joined the meeting.

First

Bernice Edwards and Bruce Wright of First State Community Action

**State
Community
Action
Agency
Report**

Agency were in attendance to report on some of their programs and activities. First State Community Action Agency works with individuals and communities to overcome the challenges of unemployment, homelessness, substandard living conditions, and hunger. Ms. Edwards thanked the County Council for its many years of partnering with First State Community Action Agency to help provide services and programs to families in Sussex County.

**Report
(continued)**

Evelyn Wilson of Coverdale Crossroads Community Council, Inc., Wanda Hopkins of Mt. Joy Community Civic Association and Mary Johnson of Polly Branch Civic Association thanked the County Council for its support, assistance and partnership over the years; they stated that the County Council has made a positive impact on their communities by assisting families with numerous housing needs (rehab, water, sewer, heating, air conditioning, handicapped ramps). They stated that the County has also assisted with demolition projects, clean-up programs, and after-school/youth programs.

Mr. Baker reported that the County is launching its annual Needy Family Food Drive which benefits needy Sussex Countians. The Food Drive is linked with the County's Caroling on The Circle event which is scheduled for December 5, 2011. Letters will be sent to schools, various organizations, and businesses which have contributed in the past; the County welcomes new participants in the program. Last year, over 20,000 food items were contributed; these items were distributed to nine food pantries in the County. Mr. Baker stated that the County's goal is to exceed last year's collections.

**Adminis-
trator's
Report
(continued)**

Mr. Baker read the following information in his Administrator's Report:

1. **County Software Project**

Work continues on implementing new County software in various departments of County government. Meetings between the County's vendor, Tyler Technologies, Inc., and staff from various departments are now occurring.

2. **Sussex Outdoors Summit 2011**

On Thursday, October 13, the Sussex Outdoors Summit 2011 program will occur at Trap Pond State Park. As per the attached agenda, speakers including Governor Markell and County Council President Michael Vincent will explain various programs during the morning session. Family Fun Day will occur during the afternoon from 1:00 p.m. to dusk. Entry to the park from 1:00 p.m. until the park closes will be free with various programs.

3. **Substantial Completion**

**Report
(continued)**

The Engineering Department granted Substantial Completion to Herola Family, LLC - Phase 2, Agreement No. 954-1, on October 3, 2011. The developer is Herola Family, LLC, and the project is located on the south side of Route 24, west side of Delaware, in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of four lots of a five-lot subdivision with approximately 1,150 feet of private road (road length includes Phase 1) to be developed under Conditional Use Ordinance No. 1887 for an office park with medical, professional, and retail buildings. Included with this report is a fact sheet on the project.

[Attachments to the Administrator’s Report are not attachments to the minutes.]

**Old
Business/
C/U
No. 1904**

Under Old Business, the Council discussed Conditional Use No. 1904 filed on behalf of Joseph Mocci.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on the application on July 14, 2011 at which time action was deferred. On July 28, 2011, the Planning and Zoning Commission recommended that the application be approved with conditions.

The County Council held a Public Hearing on this application on August 2, 2011 at which time action was deferred.

**M 556 11
Adopt
Ordinance
No. 2224**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to Adopt Ordinance No. 2224 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR PARKING, STORAGE AND MAINTENANCE OF EQUIPMENT WITH AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.28 ACRES, MORE OR LESS” (Conditional Use No. 1904) filed on behalf of Joseph Mocci, with the following conditions:

- 1. The use shall be limited to parking, storage and maintenance of equipment for the Applicant’s business with an office. No excavation or construction activities shall occur on site.**
- 2. Any security lighting on site shall be downward screened so that the lights do not shine on neighboring properties or roadways.**
- 3. The entrances shall be secured at all time with gates and fencing.**
- 4. Per the Applicant, no additional buildings shall be constructed on the site.**
- 5. No junked or inoperable construction vehicles shall be stored on the site. Only vehicles and equipment utilized in the excavation business are to be stored and maintained on the site.**
- 6. Regular hours of operation shall be 7:00 a.m. to 6:00 p.m., with additional hours as needed to address snow removal operations in**

Sussex County.

**M 556 11
(continued)**

- 7. The Applicant shall comply with all DelDOT requirements for the site. The Final Site Plan shall confirm the entrance approved by DelDOT for the property.**
- 8. Planted vegetative buffers shall be provided around the perimeter of the property utilizing native species as recommended by the State Forestry Office. Six (6) foot high stockade fencing shall be erected along Oakwood Village as each phase is developed.**
- 9. The Final Site Plan shall show all areas designated for the storage of vehicles and equipment as well as the vegetative buffer and fencing.**
- 10. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Nay.

**Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Grant
Requests**

Mrs. Webb presented grant requests for the Council's consideration.

**M 557 11
Community
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$100.00 from Mr. Cole's Community Grant Account to Boy Scout Troop 281 for Jacob Rickards' Eagle Scout Project.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Human
Service
Grant**

Mrs. Webb announced that the grant request submitted by Good Samaritan Aid will be included in the proposal for Human Service Grants.

**M 558 11
Go Into
Executive
Session**

At 10:35 a.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session for the purpose of discussing personnel issues.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Executive
Session**

At 10:38 a.m., an Executive Session of the Sussex County Council was held in the Second Floor Conference Room for the purpose of discussing personnel issues. The Executive Session concluded at 11:42 a.m.

M 559 11

At 11:47 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips,

Reconvene Regular Session **to come out of Executive Session and to reconvene the Regular Session.**
Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Executive Session/ Action **Mr. Moore announced that no action was required on Executive Session matters. He noted that, during the Executive Session, personnel matters were discussed and Mr. Baker and his staff will be meeting with legal staff regarding personnel matters and policies.**

M 560 11 Recess **At 11:47 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, to recess until 1:30 p.m.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 561 11 Reconvene **At 1:33 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reconvene.**

Motion Adopted: 3 Yeas, 2 Absent.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Absent; Mr. Wilson, Absent;
Mr. Vincent, Yea**

Mr. Phillips joined the meeting.

Public Hearing/ C/U No. 1911 **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE LOCKER UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.996 ACRES, MORE OR LESS” (Conditional Use No. 1911) filed on behalf of Forrest Webster.**

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on September 22, 2011 at which time the Commission deferred action.

(See the minutes of the meeting of the Planning and Zoning Commission dated September 22, 2011.)

Mr. Lank presented a summary of the Commission’s Public Hearing.

Public
Hearing/
C/U
No. 1911
(continued)

The Council found that Larry Fifer, Attorney, and Donald Webster were present on behalf of the application. Mr. Fifer stated that the application is for the construction of 60 mini-storage units; that the gravel drive along the property line has been shared with the owners of the adjoining property for more than 20 years; that notice was given to all parties concerned (adjoining landowners) and to date, no one has objected to the use; that if this is a concern, there are two access ways to the property – the gravel drive along the property line and the gravel drive (horseshoe drive around the house) in the middle of the property; that a new building will be constructed; and that they propose a 35 foot driveway around the new building.

Public comments were heard.

Jeff Wells, an adjoining property owner, stated that he owns the road that runs along the property line and that the Applicant does not have permission to use the driveway for a commercial venture; that there is not enough room on the site for a house and a commercial venture; that the area is agricultural and the use would not be compatible; and that if the application is approved, he requests that a chain link fence be required.

There were no additional public comments and the Public Hearing was closed.

M 562 11
Defer
Action on
C/U
No. 1911

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on Conditional Use No. 1911 filed on behalf of Forest Webster.

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Absent;
Mr. Vincent, Yea

Public
Hearing/
C/U
No. 1912

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 16,025 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1912) filed on behalf of William A. Bell and Kathleen M. Sperl-Bell.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on September 22, 2011 at which time the Commission deferred action.

(See the minutes of the meeting of the Planning and Zoning Commission dated September 22, 2011.)

Mr. Lank presented a summary of the Commission’s Public Hearing.

Mr. Lank distributed Exhibit Books which were previously provided by the Applicant.

**Public
Hearing/
C/U
No. 1912
(continued)**

The Council found that Heidi Gilmore, Attorney, and William Bell were present on behalf of the application. They stated that the application is for a professional office on Savannah Road; that the property is currently a residence; that no site improvements or modifications are proposed; that many other business uses exist in the area and include numerous conditional uses and commercial uses; that the proposed use is compatible to the area; that the applicants’ primary residence is on the site; that they will continue to live on the site and have a home occupation with one additional employee; that they will operate a realty company; that the existing front entrance will be for customers and the existing rear entrance will be for themselves and their employee; that their intent is to meet clients off-site; that the office area will occupy an area of 684 square feet; that the site is located in the Environmentally Sensitive Developing Area; and that the proposed use is in compliance with the Comprehensive Land Use Plan.

Mr. Cole suggested that the hours of operation be stricken from any conditions of approval and Mrs. Deaver stated that she prefers if the conditions reference the hours of operation.

There were no public comments and the Public Hearing was closed.

**M 563 11
Defer
Action on
C/U
No. 1912**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Conditional Use No. 1912 filed on behalf of William A. Bell and Kathleen M. Sperl-Bell.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Absent;
Mr. Vincent, Yea**

**M 564 11
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 2:06 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Absent;
Mr. Vincent, Yea**

Respectfully submitted,

Robin A. Griffith
Clerk of the Council